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FAUSTO PINA

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
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12 Plaintiff,
13 vs.
14 FAUSTO PINA,
15 Defendant.

Case No. 1:21-CR-00070-ADA-BAM

**STIPULATION TO RESET CHANGE OF
PLEA HEARING AND EXCLUDABLE
TIME PERIODS UNDER THE SPEEDY
TRIAL ACT; FINDINGS AND ORDER**

DATE: September 11, 2023
TIME: 8:30 a.m.
COURT: Hon. Ana de Alba

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18 **STIPULATION**

19 Defendant, FAUSTO PINA, by and through his counsel of record, and Plaintiff, United
20 States of America, hereby stipulate as follows:

- 21 1. By previous order, this matter was set for a change of plea hearing on September 11, 2023.
22 2. On that date, Mr. Pina was not transported from the Central Valley Annex to the courthouse
23 because of quarantine procedures due to the spread of COVID-19 in the facility. *See* ECF
24 No. 41.
25 3. Time has already been excluded through October 3, 2023 under 18 U.S.C. § 3161(h)(7)(A),
26 (B)(iv).
27 4. By this stipulation, defendant now moves to reset his change of plea hearing to October 10,
28 2023, and to exclude time between October 3, 2023 and October 10, 2023, under Local

Code T4.

5. The parties agree and stipulate, and request that the Court find the following:

- a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.
- b) The parties have reached a plea agreement and had already scheduled a change of plea hearing. That hearing was unable to proceed due to transportation issues from the jail where Mr. Pina is held.
- c) The parties consulted with the Court and October 10, 2023 is the earliest available date that comports with the Court's schedule and defense counsel's availability.
- d) The government agrees with resetting the change of plea hearing for October 10, 2023.
- e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
- f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 3, 2023, to October 10, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it constitutes a brief continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

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6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Dated: September 20, 2023

/s/ Meghan D. McLoughlin
MEGHAN D. McLOUGHLIN
Assistant Federal Defender
Attorney for Defendant
FAUSTO PINA

Dated: September 20, 2023

/s/ Kimberly A. Sanchez
KIMBERLY A. SANCHEZ
Assistant United States Attorney

IT IS SO ORDERED.

Dated: September 22, 2023

UNITED STATES DISTRICT JUDGE